

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.15218 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in imposing the punishment of 'stoppage of two increments without cumulative effect' vide proceedings dated 09-02-2017 and not promoting the petitioner to the post of Mandal Parishad Development Officer (MPDO) on *ad hoc* basis while promoting many of his juniors vide proceedings dated 31-05-2018 as illegal, arbitrary and in violation of Articles 14 and 16 of the Constitution of India and sought consequential direction to the respondents to promote him to the post of MPDO on par with his juniors with all consequential benefits.

3. Heard Sri M.V.Rama Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II appearing for the respondents.

4. Petitioner contends that he is working as Extension Officer and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. However, the disciplinary authority initiated disciplinary proceedings against him and imposed a minor penalty of stoppage of two increments vide proceedings dated 09-02-2017. The petitioner further contends that though the currency of punishment was ended by 09-02-2019, the case of the petitioner is not being considered for

promotion to the post of MPDO and many of his juniors are being considered for promotion.

5. Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the Writ Petition directing the respondents to consider the case of the petitioner for promotion to the post of MPDO. As far as challenging the punishment orders passed by the disciplinary authority is concerned, he seeks liberty to prefer an appeal before the appellate authority in accordance with C.C.A.Rules.

6. Learned Government Pleader for Services-II appearing for the respondents submits that now the currency of punishment of the petitioner is over, the case of the petitioner would be considered in the existing vacancies of MPDO.

7. Having regard to the submissions made by both the counsel, this Court is of the considered view that the Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Mandal Parishad Development Officer in the existing vacancy with all consequential benefits, by duly taking into account the fact that the currency of punishment expired on 09-02-2019. So far as the other relief sought by the petitioner i.e. challenging the punishment orders as issued by the disciplinary authority is concerned, there is a right of appeal available to the petitioner against the said orders. Therefore, liberty is given to the petitioner to prefer an appeal against the orders of the disciplinary authority imposing punishment of stoppage of two increments without cumulative effect, if the petitioner is so advised. It is needless to say that if the petitioner prefers an appeal to the

appellate authority, then the appellate authority shall entertain the same and pass appropriate orders on the merits of the case as per CCA Rules, without raising any objection with regard to limitation.

8. With these observations, the Writ Petition is disposed of. No costs.

9. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 23.7.2019.
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